IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 17755 of 2006(L)

PETITIONER:

SREEDHARAN S.,
KARETHARAYIL, UDAYANAPURAM, VAIKOM,
DIST. KOTTAYAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM
SMT.URSULA FRANCIS

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   KOTTAYAM, DIST. KOTTAYAM.

2. **THE TAHSILDAR,**
   VAIKOM TALUK, VAIKOM, DIST. KOTTAYAM.

3. **THE VILLAGE OFFICER,**
   VADAKKEMURY VILLAGE, VAIKOM TALUK, DIST.KOTTAYAM.

BY GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 17755/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LAND TAX RECEIPT DT. 23.9.82.

EXT.P2:- COPY OF THE TAX RECEIPT DT. 6.6.2000.

EXT.P3:- COPY OF THE LAND TAX RECEIPT DT. 4.10.05 ISSUED BY 3RD RESPONDENT.

EXT.P4:- COPY OF THE SALE DEED NO.2166 DT.2.5.63.

EXT.P5:- COPY OF THE LETTER NO.C4-6411/05 DT. 30.11.05 ISSUED BY 2ND RESPONDENT.

EXT.P6:- COPY OF THE APPLICATION DT. 27.3.06 BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

tss

S. SIRI JAGAN, J.

W.P.(C)NO. 17755 OF 2006

DATED THIS THE 21st DAY OF AUGUST, 2007

JUDGMENT

The petitioner claims to be owner in possession of 11 cents of land. According to the petitioner, the petitioner has been paying land tax in respect of the entire 11cents as evidenced by tax receipt produced by him. Thereafter, by Ext.P5, the petitioner applied for mutation of the property in his name. The petitioner filed this writ petition complaining that the respondents are not taking any action on the application for mutation. The petitioner has got a further case that the Village Officer is not accepting the tax in respect of 3 cents out of 11 cents.

2. The 2nd respondent has filed a counter affidavit in which it is stated that the original owner namely one Sri. Achuthan Narayana, who sold the properties to the petitioner owned 4 cents in Sy.No.35/15A2 and 12 cents in Sy.NO.35/15B under Thandaper account NO.882. Out of the 12 cents in Sy.No.35/15B the said Achuthan Narayanan sold 9 cents to one Narayanan and only balance of 3 cents were left in that Survey number and therefore the petitioner's application for mutation in respect of 7 cents in

Sy.No.35/15B could not be considered. The 2nd respondent further submits that to solve the problem, the petitioner was directed to produce documents, which he has not complied with.

3. Having heard both sides, I dispose of this writ petition with the following directions.

The respondents shall issue a notice to the petitioner calling upon the petitioner to produce all documents in support of his application for mutation as per Ext.P6. Thereafter, after hearing the petitioner, the 2nd respondent shall pass appropriate orders in accordance with law as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

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